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On the Cover

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Inside the First District Courthouse in Logan, Judge Kevin K. Allen meets with members of his class the *Sociology of Mental Health Courts*. The students [from left to right] include Austin LaBau, Traci Hillyard, Andrew Soelberg, Clarice Ambler, Jason Jensen, Tyson Mertlich, and Ilana Kornfeld.

Changing a Life

Metal detectors greet you in the lobby of the First District Courthouse in Logan. Take off your watch and empty your pockets. "It's like the airport," an armed bailiff says as you hand over your backpack for inspection. Only there is no vacation on the other side. But there is something else—hope.

Most days defendants on the courtroom floor don orange jumpsuits and shackles and face felony charges and prison time. The atmosphere is understandably somber. However, Wednesdays are different. On Wednesdays, defendants stand before District Court Judge Kevin K. Allen and work to earn a second chance at life. The difference is these individuals are participating in a specialty court geared towards problem-solving rather than punitive action. One where justice doesn't always involve meting out jail time or community service, but rather, compassion and a network of support to change.

“We have witnessed miracles,” said Allen. “This isn’t social engineering. This is science.”

The First District Mental Health Court in Logan is a diversionary court and a pioneering approach to jurisprudence that holds mentally ill offenders accountable for their actions without incarceration. It enables people with persistent mental health issues who commit crimes of a nonsexual, nonviolent nature to voluntarily undergo court-monitored treatment. Mental health courts like Logan’s provide individuals with the opportunity and tools to function in society rather than behind bars. But the road to treatment requires a personal commitment to change and a coalition of resources to do so.

“It’s about getting these people to recognize that they have a mental illness,” Allen said. “They spend their whole lives pretending they don’t. I want to get them to the point where they can say out loud, ‘I have a mental illness and it’s not the end of the world.’ If you had diabetes, you wouldn’t go around hiding it.”

He founded the court five years ago because he was new to the bench and was asked by the state to develop one. There was no instruction manual, no budget. Allen has seen the damage families experience when a member is mentally ill and doesn’t seek treatment. He believes mental health courts can help steer individuals to better outcomes.

“By the grace of God go I,” he said. “I could easily be one of those people at the stand. For me, this is just one thing that I can do to show gratitude for the life that I have been given.”

Allen didn’t want to offer Band-Aid solutions. He wanted to develop a court with the ability to affect real change. He did his homework and reached out to mental health experts in the community and contacted faculty members in Utah State University’s Department of Sociology, Social Work, and Anthropology to share best practices. Then he enlisted seven Utah State students to help drive adoption of the courts statewide. Under the current system, mental health courts in Utah exist at the will of the judge presiding over them. Allen believes the state can do better.

“What we’re doing now [in the criminal justice system] just doesn’t work,” he said. “It’s costly and ineffective.”



Judge Kevin K. Allen

MOVING BEYOND ANECDOTES

The criminal justice system wasn't designed to treat mentally ill people. It was designed to punish criminals. However, the nation's correctional facilities have become its largest provider of mental health services. Deinstitutionalization policies in the sixties and seventies, combined with the inability of local agencies to provide care for an influx of mentally ill persons in their communities has been attributed to the increased number of mentally ill persons incarcerated. Legislation requiring strict sentencing for drug offenses also flooded correctional facilities with inmates. The U.S. prison population tripled between 1987 and 2007.

"It started to overburden our system," said Steven VanGeem, MS '09, a criminal justice lecturer at Utah State. "We dug a really deep hole in the 1990s."

Drug courts were developed to divert drug users from entering the prison system and into treatment programs and help states grapple with the cost of ballooning prison populations. A recent study by the Pew Charitable Trusts and MacArthur Foundation found health care spending in prisons increased in 42 states between 2001 and 2008. Eleven states, including Utah, experienced jumps of 90 percent or more. The report recommended states could reduce costs and recidivism by effectively treating inmates' physical and mental ailments, including substance abuse.

Mental health courts evolved out of drug courts and have proliferated around the country over the last 15 years. Both models incorporate a non-adversarial approach with proceedings often conducted in an informal manner. However, practices vary across jurisdictions and data about their effectiveness is limited and inconclusive. VanGeem is conducting an assessment of Utah's First District Mental Health Court for his doctoral dissertation at the University of South Florida. He aims to determine the court's efficacy because, until recently, there was only anecdotal evidence it was working.

"They basically had no idea what they were doing when they started," VanGeem said while scrolling through a color-coded Excel spreadsheet containing the data. "The fact that they had any success along the way is astounding."

His preliminary findings indicate there is truth to the narratives. The court accepts less than 40 percent of referrals and of those who participate, one in 2.67 defendants graduate from the program. The court uses a narrow set of mental illnesses such as schizophrenia, major depressive disorder, and bipolar disorder to determine a defendant's eligibility. Factors such as the nature of the crime, the defendant's criminal history, as well as their motivation, are also considered for admittance. But participation is not a get out of jail free card.

Before entering the program a defendant must enter a guilty plea, which is held in abeyance, meaning sentencing is postponed until—and if—they complete the program. The process takes, on average, two years. Defendants must follow a rigorous treatment regimen involving mandatory court reporting, therapy, medications, and tests for illegal drug use. As they move through the program they take on more responsibility for their condition and require less oversight by the court. For an individual to graduate he must comply with the treatment plan and demonstrate a desire to learn how to live with his condition.

"We can't help them if they don't want to help themselves," Allen said.

VanGeem's study should help determine more predictive factors for success in this type of judicial intervention. Eventually, he would like to gather data on all of Utah's mental health courts and compare results and practices across court circuits.

"This is something that, at least anecdotally, has the ability to affect people's lives," VanGeem said. "At the very least, this [study] will tell us if [the program] isn't working and help identify areas to improve."

SOMETHING FROM NOTHING

From the outset Allen tried to devise a model using evidence-based research. He partnered with Bear River Mental Health Supervisor Dennis Kirkman and the two examined mental health courts in Utah and Idaho and attended a national conference in Washington D.C. They created a court modeled on the heroic quest, which resonates with many defendants and highlights the tenet of overcoming adversity.

“It is tough enough to live life with a mental illness,” Kirkman said. “But then you add the complications of the criminal justice system. We ask these defendants to accept this process as a heroic adventure, a call to action. We say to them, ‘You are going to have to slay your demons. It is not going to be easy, it is going to be challenging, but we want you to come back a hero.’”

However, Allen and Kirkman had a different type of challenge before them. Starting a new court without a lot of resources or information involves trial and error. They connected with faculty members at Utah State to establish a local conference to share best practices regarding therapeutic jurisprudence. The first Intermountain Mental Health Court Conference was held in 2011. But Allen didn’t stop there.

Last fall, he approached the sociology program about teaching a class on mental health courts. He prepared a syllabus. Students wrote essays for admission into the course. And then things changed. Allen was asked to prepare a white paper on his mental health court for the state legislature’s prison relocation committee.

“We had an opportunity here to really affect public policy,” Allen said. “The prison relocation is going to be one of the most expensive projects in the state and the legislature is looking for ways to mitigate incarceration costs. Diversionary courts like mental health court can reduce costs and help a lot more people.”

The seven-member Utah State class agreed to scrap the lecture format in favor of a semester-long research project to dissect the experiment Kirkman and Allen started in December 2008.

“This wasn’t just research,” Allen said. “This was advocacy, and these students spent hours talking about the political process in Idaho and learning how we can get it done here.”



Ilana Kornfeld, '14

WINNING THE BATTLE

Sophomore Ilana Kornfeld volunteers as a court appointed special advocate for abused and neglected children. She aspires to become an attorney. When she unearthed an email from her junk box about an experimental Honors course about a new type of court system she was intrigued.

"I didn't know what to expect," Kornfeld said. "I didn't know what mental health courts were."

When the class pivoted to a research project she wasn't sure how to gauge her learning. There were no tests and no papers. Over time, the more she talked about the courts, the more she realized she knew, she said. The students were assigned sections of the white paper to investigate and write. Their research kept leading them to Idaho which already adopted a statewide mental health court system. In September, the class took a field trip with Allen to Boise to interview judges and Idaho court administrators.

"It was really cool to work alongside Judge Allen," Kornfeld said. "I really felt like we were part of something."

On December 18, 2013, the students watched Allen put theory into practice during a session of the First District Mental Health Court. That day, a defendant graduated from the program. He turned out to be a Utah State peer. Six years ago the student suffered a bipolar manic episode that resulted in him running his car off Highway 89 and landing behind bars. He has tried to get his life back on track since. The student described how the mental health court program changed his trajectory, allowing him to graduate with both a university degree and a set of tools to handle his illness.

"This court has been a huge benefit to me," he told the packed gallery. "It put me in a position to learn how to manage my disease. I am graduating with my master's degree with the Class of 2014, and if this court hadn't been here I would likely have dropped out and gone to prison."

It was a powerful moment for the students of the *Sociology of Mental Health Courts* class to witness. It showed them the possibility of recovery.

“You have gone through an epic battle,” Allen said. “You have shown us all it is possible to fight and to win that battle.”

Afterward the courtroom came to its feet and burst into applause. Kornfeld had never been inside a courtroom like that before. While she knew it wouldn't be like the movies, she was struck by the clapping and support.

“It's a feel good court,” she said. “It was hard not to be emotional. You could really hear the gratitude in defendants' voices. They aren't 'nuts.' They had a moment. They can come back from this. These are courts that are helping people get their lives back.”

Her classmate Traci Hillyard, '14, has seen it happen—27 times so far. She is Allen's court clerk and has been a part of the mental health court in Logan since it began. For years she watched many of the same mentally ill defendants cycle in and out of the criminal court because they didn't have a grip on their illness.

Hillyard's role can best be described as gatekeeper of the court. She manages the criminal and mental health court dockets and coordinates proceedings with offices including, probation and parole, the public defender and county attorney, police and sheriff's departments, Bear River Mental Health, and drug and alcohol testing. They are not groups that historically work together. But mental health courts require a paradigm shift for stakeholders and a desire to make it work.

“I was amazed at first,” Hillyard said. “I walked into a committee meeting where all the same people who would normally come in and have their own role or agenda and basically put that aside.”

She enrolled in the Honors class to join a constructive effort to broaden the reach of mental health courts. The white paper she and the students helped Allen prepare will include VanGeem's data and be presented to the Utah legislature for review in the fall.

“I love being involved with the mental health court because of the success that we see,” Hillyard said. “I think we're being successful if we can help individuals who are in a very dark place when they start [the program] get to where they can manage their illness.”

http://liberalis.usu.edu/2014/spring/changing_a_life.html